

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DUSA PHARMACEUTICALS, INC. and  
QUEEN'S UNIVERSITY AT KINGSTON,

Plaintiffs,

v.

NEW ENGLAND COMPOUNDING  
PHARMACY, INC.,

Defendant.

Civil Action No. 04-12703 NMG

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**FISH & RICHARDSON, P.C.'S MOTION FOR LEAVE TO WITHDRAW ITS  
APPEARANCE ON BEHALF OF DEFENDANT**

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Under Local Rule 83.5.2(c), Fish & Richardson P.C. moves for leave to withdraw its appearance as counsel for Defendant New England Compounding Pharmacy, Inc. ("NECP"). Fish & Richardson P.C. attorney, Jolynn M. Lussier, had appeared for NECP in this case. In support of its motion, Fish & Richardson P.C. states:

(1) NECP has retained new counsel to represent it in this case. New counsel is Daniel M. Rabinovitz of Menard, Murphy & Walsh LLP, 60 State Street, 34<sup>th</sup> Floor, Boston, Massachusetts 02109.

(2) NECP's Motion for a Second Extension of Time to Plead or Otherwise Move in Response to the Complaint, filed on February 16, 2005, is currently pending. However, on March 16, 2005, Mr. Rabinovitz on behalf of NECP filed an Answer, Counterclaim, and Jury Demand.

(3) There are no substantive motions pending before the Court.

(4) No trial date has been set in the case.

(5) There are no hearings or conferences scheduled, and no reports, oral or written are due.

For all these reasons, Fish & Richardson P.C. respectfully requests that the Court grant its motion to withdraw its appearance in this matter.

FISH & RICHARDSON P.C.

Dated: March 21, 2005

/s/ Jolynn M. Lussier  
Jolynn M. Lussier (BBO 564636)  
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the Defendant New England Compounding Pharmacy, Inc., the attorney for plaintiff William J. McNichol, Jr., Esq. Reed Smith LLP, 2500 One Liberty Place, 1650 Market Street, Philadelphia, PA 19103, and new counsel for defendant Daniel M. Rabinovitz of Menard, Murphy & Walsh LLP, 60 State Street, 34<sup>th</sup> Floor, Boston, Massachusetts 02109 by mail and by electronic means on March 21, 2005.

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